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## THE ESTABLISHMENT OF THE COMMITTEE OF BOTH KINGDOMS

THE Committee of Both Kingdoms contained, says Gardiner, the first germ of the modern cabinet system. This is not to say that the cabinet which evolved out of Charles II.'s cabal had any organic connection with the executive body devised by the leaders of the Parliamentary party in 1644, but it does imply that the earlier organism had functions much like those of the later one. It would be more accurate to describe the committee as a prototype than as a germ. But while in its function and its relations to Parliament it was a prototype of the greater institution it was essentially different in origin and development. The cabinet was a natural out-growth of the Privy Council. The Committee of Both Kingdoms was the executive expedient of a government that wanted a Privy Council. Its members made to order an institution and, whether they knew it or not, they made it somewhat along old lines. They made over the Privy Council in such a way as to meet particular conditions and a crisis in their affairs. It so happened that these not unskilful experimenters in political construction created a new thing, a thing that much resembled in its form and procedure the still unborn cabinet.

The story of their efforts, of the way in which the committee came into power, forms a not uninteresting chapter in the history of English conciliar institutions and furnishes foot-notes on the involved and subterranean policy of Sir Harry Vane and his friends. It is a story of a series of struggles between the two Houses, struggles in which the Lords were step by step forced backward and compelled to grant the wishes of Vane's willing majority in the Commons.

The history of the committee involves a brief account of the establishment, purpose, and functions of the executive body which preceded it, the Committee of Safety. The Committee of Safety came almost without observation. It was probably more the result of a gradual centralization of committee duties than of a conscious purpose to create an administrative organ of government. A Committee of Seven, often labelled the Close Committee, a Committee of Defense called into being when French invasion seemed imminent, a Committee of Defense occasioned by the absence of Charles in Scotland—these are a few of the bodies which prepared the way for

the more fixed Committee of Safety. They indicate the growing disposition of Parliament to entrust a large part of its power to selected groups.

The Committee of Safety came into being on the fourth of July, 1642. Just how it was constituted cannot be discovered. It is clearly evident, however, from the list of fifteen names that many of the leaders of the Parliamentary party were included. However the group was got together, Pym and Hampden were their leaders, and they were supported by Saye, Pembroke, Holles, Pierrepont, Glyn, and others, men who had gained recognition in the struggle against the king.

The duties of the committee were of two sorts. They were expected to suggest, put into form, and bring before the two Houses, such measures as seemed necessary to them in their executive position, and they were to work out the details and put into operation those policies upon which Parliament had determined. As a body entrusted with initiating legislation their rôle was a minor one, probably of no more consequence than that of the Stuart Privy Council. Their labors in their second capacity, to carry out the details of parliamentary orders, were greater. They were authorized, now to draw up a measure for the readjustment of troops, and again to spend a given sum of money, or to spend as much as they deemed necessary; they were expected to send off messengers of state, to arrest and hold political prisoners, and they were called upon to draft proclamations to the people and letters to the king or to foreign states.

But, however much freedom the two Houses granted to their committee, they never took their eyes off it. At no time during its short career of nineteen months was there any probability that the group would become more than an important committee. No one except perhaps Marten really feared that it would become a powerful council of state.<sup>1</sup> The king might proclaim it on the housetops that the committee had stolen away the powers of Parliament,<sup>2</sup> the two Houses knew better.

It was the alliance with Scotland that led to the replacement of the committee by a more powerful body. In the summer of 1643, when things looked dark not only at Westminster but in the field, it was determined to seek Scottish assistance. The very fact of an alliance between the two nations presupposed common military

<sup>1</sup> Sanford, *Studies and Illustrations*, pp. 544-545, who quotes from Harleian MSS., 164, f. 1052 B.

<sup>2</sup> See the king's proclamation, Clarendon, *The History of the Rebellion* (ed. Macray, Oxford, 1888), VII. 141.

action, and common military action of course meant that a way must be left open for some joint control. Upon the scheme for carrying out such control the English leaders had not, so far as we know, formulated a policy. They were willing to let developments take care of themselves. Had things been thus left to take care of themselves, there might have been organized some joint committee for oversight of the war, a committee probably less powerful and less efficient than the already existing committee. It was due to the younger Vane that this did not happen. Vane had been slowly gaining a position among the parliamentary leaders and was soon to step into the place vacated by Pym. However far short of Pym he fell in single-hearted devotion to a lofty patriotic purpose—and certainly he was not altogether unmoved by that motive—Vane had more political finesse and a sharper instinct for manipulation. The Scottish alliance afforded him an opportunity. It is by no means impossible that he had talked over the situation with his associates, Saye and St. John,<sup>3</sup> and had an understanding with them before he went to Edinburgh, that the alliance with the Scots was to furnish the *raison d'être* for a new and stronger executive body.

It was in July of 1643 that the two Houses named a delegation of six to go to Edinburgh—Lord Grey of Warke, the Earl of Rutland, Sir Henry Vane, jr., Sir William Armine, Mr. Darley, and Mr. Hatcher. The two representatives of the Upper House failed to go,<sup>4</sup> and left the four commoners to carry out the negotiations. It goes without saying that of those four Vane was the leader. Vane, remarks Clarendon, was one of the commissioners and therefore the others need not be named. The instructions given by the two Houses to those commissioners were explicit. They were to get the assistance of the Scottish troops in return for large financial inducements, and were to make such religious concessions as would be necessary. In the original instructions issued in the last part of July, 1643, there was nothing said about the establishment of a joint committee, but such a step was rendered possible under the terms of article xvi., which read: "You shall further consider, with our Brethren of Scotland, what other Articles or Propositions may be fit to be added and concluded; whereby the Assistance and Union betwixt the two Nations may be made more beneficial, and effectual for the Security and Defence of Religion and Liberty in both Kingdoms. . . . And you shall certify all such Propositions to the two

<sup>3</sup> St. John had but recently been put on the Committee of Safety.

<sup>4</sup> *Old Parl. Hist.* (London, 1754), XII. 335-336, 339-340.

Houses of Parliament, and thereupon proceed to a Conclusion, as you shall receive further Direction from them."<sup>5</sup>

Whatever the instructions, Vane's negotiations after he reached Edinburgh showed clearly enough what he wished. He was willing to yield many points on religion if he could get a league of the two nations. "The English", writes Baillie, "were for a civil League, we for a religious Covenant",<sup>6</sup> and both got what they most wished.

By the 17th of August the Covenant had been agreed upon.<sup>7</sup> By the 2nd of September it had been forwarded to London.<sup>8</sup> The Covenant proper said not a word about a joint committee of the two kingdoms. It was no doubt clearly understood by both parties to the affair that there was to be a treaty as a sort of codicil. On November 1 the Parliament at London sent their commissioners in Scotland additional and more explicit instructions: "And forasmuch as the two Houses do hold it of absolute Necessity, that Commissioners from the Kingdom of Scotland should be forthwith sent to reside in London, or elsewhere near the Parliament, with sufficient Power and Authority to treat and conclude of all such things as shall be necessary for the Good of the Three Kingdoms . . . . you shall therefore, with all Earnestness, press this Article, as that without which the whole Business is like to become very dilatory, if not wholly fruitless."<sup>9</sup>

One naturally asks who was behind these instructions. That question it is impossible to answer with certainty. It may be conjectured, however, that Pym, St. John, and Saye in London had for some time cherished a scheme for joint co-operation with the Scots through commissioners sent to London.<sup>10</sup> This is hypothesis. It

<sup>5</sup> *Old Parl. Hist.*, XII. 345-346.

<sup>6</sup> *Letters and Journals of R. Baillie* (Edinburgh, 1841), II. 90.

<sup>7</sup> *Memoirs of Henry Guthry* (London, 1702), p. 119; Spalding, *History of the Troubles in Scotland* (Aberdeen, 1829), p. 341.

<sup>8</sup> The commissioners to England sailed August 30, but the Covenant seems to have been sent on eight days earlier and to have reached London by the first of September. *Baillie*, II. 99.

<sup>9</sup> *Old Parl. Hist.*, XII. 434.

<sup>10</sup> As early as the 8th of October (according to Laing, the editor of *Baillie*, see II. 483) Alexander Henderson, recently moderator of the Scottish assembly, wrote from London to Robert Douglas a letter in which he remarked somewhat incidentally: "If the Army come, there will be a necessity of Commissioners from the State, of which ye will heare with Mr. Hatcher." In other words, Mr. Hatcher, who had been in London since the second week in September, was going back to Scotland, and was to break to them a scheme for joint operation from London, a scheme which was not broached as yet in the Commons or Lords at Westminster for another month. It is impossible of course to say certainly who had devised this plan for commissioners from Scotland. It was not the peace party at Westminster, who were becoming more demoralized every day. The hand of the "violent party", as Holles often called it, is surely to be detected in the

is certain that Vane once having received the instructions of November 1 was able to push to a conclusion the arrangement of the committee.<sup>11</sup> It may be accepted as certain that the pressure for the new committee had come from England.

The instructions had been sent from England on the first of November. On the 29th of November the articles of the treaty between the two nations were signed.<sup>12</sup> Only the 8th and 9th articles concern us. In those articles it was provided that no peace should be made by either kingdom or the armies of either kingdom except by the advice and consent of both kingdoms, or their committees in that behalf appointed, who are to have full power for the same, in case the Houses in England or the Parliament or Convention of Scotland were not in session. It was further declared that all matters of difference between the subjects of the two nations "shall be resolved and determined by the mutual advice and consent of both kingdoms, or by such Committees as for this purpose shall

plan, even if the hand was a concealed one. It would be impossible to say how much part Pym had in the matter. He was already a stricken man. It was probably more the work of Vane, St. John, and Saye. The way in which Vane seems to have pressed the matter upon the Scots, after his instructions came, rather supports the theory that he had a finger in the pie from the beginning. (See extract from *Carte Papers*, LXXX., f. 152, Bodleian, printed in foot-note 11.) There is another fact which may or may not have significance on this point. On the 18th of August, 1643, the English commissioners in Edinburgh wrote to Speaker Lenthall: "Whereas we according to our Instructions have pressed a more firm union and league betwixt the nacons, they (the Scotch) have thought it the most expedient way . . . that there should be a mutual league and covenant drawn for the preservacon of liberty and religion in both nacons." (Baker MSS., XXXIV., f. 430, Cambridge University Library.) This is quite in accord with Baillie's well-known statement, "The English were for a civil League, we for a religious Covenant." It leads us to suspect that the English sought a closer alliance than the Scots were willing to assent to. The contrast of the words "firm union and league" with "mutual league and covenant" may perhaps mean as much as that. If the English aimed from the first at a "firm union", it may be surmised that a scheme for joint commissioners was part of it, and that Vane went to Edinburgh with that plan in mind. But this is conjecture.

<sup>11</sup> At a later date when the Scottish commissioners who were to be a part of the joint committee reached London and were compelled to wait for the English Parliament to take action, they sent messages more than once or twice to the Houses requesting haste, and in one of these messages they wrote: "The Committee of the Parliament of England represented to the Convention of Estates of Scotland that the honourable House did hould it of absolute necessity that a Committee or Commissioners from the Kingdom of Scotland should be forthwith sent to reside in London or elsewhere neare the Parliament . . . and that they were commandéd with all earnestness to press their article, as that without which the whole business was like to become very dilatory, if not altogether fruitless." *Carte Papers*, LXXX., f. 152, Bodleian.

<sup>12</sup> Rushworth, V. 485-487.

be by them appointed". Here was the authorization for a joint committee of the two kingdoms.<sup>13</sup>

It was more than three months later that the four Scottish commissioners appointed in fulfilment of this bargain arrived in London. On the thirtieth of January, Crewe rose in the Commons and proposed the appointment of a small committee of two or three members to treat with the Scottish commissioners. Crewe's motion received little attention. It must have been on this very day and the one following that Vane and St. John were in consultation with the newly arrived Scottish commissioners and with their assistance drafted the ordinance that was to be presented.<sup>14</sup> From the short interval of two days<sup>15</sup> that elapsed between the arrival of the four Scotsmen and the passage of the bill in the House of Lords we are forced to conclude that the process of drafting must have been a hurried one, and was perhaps based on a preliminary draft offered by Vane. We shall later see that the bill bore many traces of Vane's handiwork. Yet Baillie who had every facility for knowing the truth claimed for his fellow-countrymen the credit of drawing up the form of the ordinance. It is not difficult, however, to reconcile these views. May we not guess that Vane had formulated clearly in his own mind what he wished but that the northern commissioners were discreetly allowed the lead in the actual framing of the measure?

<sup>13</sup> It will be observed that while the treaty calls for commissioners to sit during the interim of parliamentary sessions, the Committee of Both Kingdoms is not specifically provided for. It can hardly be doubted, however, that those who framed the articles did look forward to such a body. Burnet and Clarendon both interpret the articles as providing for such a body. Burnet's *Memoirs of the Dukes of Hamilton* (London, 1677), p. 242; Clarendon, VII. 274.

They were so interpreted by the Scottish commissioners after they reached London. In a note which they addressed to the English on the 3rd of April, 1644 (Tanner MSS., LXI, f. 9, Bodleian) they referred to their commissions presented on the 5th of February, wherein they were granted power "to advise and consult with such Committees as the Houses should appoint . . . according to the article of the late Treaty . . . and the invitation of the Houses for our coming hither".

<sup>14</sup> *Baillie*, II. 141.

<sup>15</sup> The Scottish commissioners must have reached London not earlier than January 30. On January 29 "Mr. Cheesely brought News that our Brethren the Scots were come in" (*C. J.*, III. 380), but he seems to have meant that they had touched port at Yarmouth, for on the next day it was reported to the Lords that "the Lord Lowden Chancellor of Scotland, the Lord Wariston, and Mr. Barclay had come to Yarmouth, and that some members of both houses be sent to meet them". By the 31st they seem to have reached London. On that day the Commons resolved that Lord Wariston should be admitted into the Assembly (the Westminster Assembly). On February 9 the Scottish commissioners in a letter to the Lords wrote: "Ten dayes are now past since our arrival." It is not improbable, therefore, that they reached Worcester House, which was being fitted up for their accommodation, on the afternoon or evening of the 30th. The measure passed the Lords on February 1.

So many changes were made in the form of the bill before it went through that we need not at this point discuss its provisions. One feature in the various drafts, however, throughout the vicissitudes of the debates remained constant. That was the personnel of the body. The membership of such a body was surely a matter upon which the voice of Parliament should have been taken, if upon anything in connection with the ordinance. Yet the names that were inserted in the first conference between Vane, St. John, and the Scottish commissioners remained without alteration to the end of the chapter.<sup>16</sup> It will become clear, when we shall come to examine these names, that in the brief interval when Vane was consulting with the four Scottish commissioners the trains were laid by which the Independents were given a lead in the control of the government. Vane had been forced to yield more than he liked when in Scotland. He had kept a smooth face over it and was awaiting his chance. He had made friends of the Presbyterians.<sup>17</sup> He had quite gained their confidence;<sup>18</sup> indeed his attitude led them to believe that he would easily play into their hands. The four men who came from the north were prepared to find in him a ready ally. Baillie in writing from London to Warriston in Scotland had urged the "upcoming of a Committee from our Estates" and expressed the confident belief that if a well-chosen body were on the ground they would get the guiding of the affairs "both of this State and Church".<sup>19</sup> He had insisted that Maitland should be one of the committee and had exulted in the attention received by that lord in London.<sup>20</sup> It would not have been at all surprising then that Warriston, Maitland, and the two other Scottish delegates should have gone to the English capital confident of their ability to dominate the situation.<sup>21</sup> It would have been altogether in character for

<sup>16</sup> This is not the place to enter into a detailed study of what those names stood for. It may be suggested that in this particular selection of men are to be found some of the causes that made possible the Self-Denying Ordinance and the final victory of the Independents over the Presbyterian party.

<sup>17</sup> *Memoirs of Densil Holles* in Maseres's *Select Tracts*, I. 198. There is abundance of other evidence to show that Vane was at this time persona grata with the Presbyterians in Scotland.

<sup>18</sup> *Baillie*, II. 117, 133, 135-136, 146.

<sup>19</sup> *Baillie*, II. 106.

<sup>20</sup> *Baillie*, II. 107, 485.

<sup>21</sup> Alexander Henderson, one of the Scottish members of the Westminster Assembly, wrote from London to his friend Robert Douglas in Edinburgh on the 3rd of November, 1643, as follows: "There is no visible means under heaven for their (the Presbyterian party's) delyuerance and your safety, but . . . 2. That there be a godly, honest, wise, and active Committee sent hither; which is much desired by the English, who are perplexed and wearied, and know not what to doe, and will be content to be directed by them in all affaires." *Baillie*, II. 484. Holles

Vane that he should have given them reason to believe that they were pulling the wires of state. But it was not the Scottish commissioners who named the twenty-one English members of the joint body. Sure as they were of themselves and of their ability to control things, they did not understand the English situation. They knew and trusted Vane<sup>22</sup> and his friend St. John.<sup>23</sup> It may be conjectured that they would easily accept suggestions of names from them.<sup>24</sup> Indeed a study of the list of names will make it evident that the Scots did very readily—too readily they must have later realized—accept suggestions. It was to be expected that the members of the Committee of Safety should have been taken over at least in large part to make up the new committee. It was of course practically impossible to include all of the former committee, for that body had during the course of its existence been enlarged from the original fifteen members to over thirty-five. That the original fifteen should have been retained was certainly to be looked for. As a matter of fact most of those left were retained. Yet there were important changes. Five names were necessarily omitted from the new list. Hampden and Pym were gone. Nathaniel Fiennes's adventure in the west had made further activity on his part impossible. Marten had been imprisoned for rash words. Lord Holland after looking both ways had jumped somewhat tardily to the king's side. There still remained ten names. Of these original members all but three were nominated for the Committee of Both Kingdoms. Those three were the Earl of Pembroke, Sir John Meyrick, and Holles. A comparison of these names with the names of those who were not on the earlier committee and who were added shows how the preponderance of Presbyterians was changed to a preponderance of Independents. The Earl of Pem-

wrote (Maseres, I. 198): "Those creatures of theirs whom they sent Commissioners into Scotland . . . represented the state of affairs to that Parliament as being directly contrary to what it was, endearing their own party to them. . . . With which prejudice of us the Scots were strongly possessed, at their coming in about January, 1643, and were in England some time before they were disabused."

<sup>22</sup> Whom Baillie denominated "the sweet man, Mr. Pym's successor". *Baillie*, II. 133.

<sup>23</sup> Baillie's letters, as has been observed, show this trust very clearly. Baillie was in constant touch with the four Scottish commissioners in London. He retained the utmost faith in Vane as late as April 2. By the middle of that month he was beginning to realize the force of Independent opposition, but he does not mention Vane until September 16 when it is evident that he has been completely disillusioned. See vol. II., pp. 230, 236-237; see also Holles in Maseres, I. 202.

<sup>24</sup> Holles wrote (Maseres, I. 198-199): "To that purpose a Committee of the two Kingdoms must be appointed for uniting the Counsels . . . In packing whereof, and keeping-out some persons whom our Masters did disaffect, they used such juggling as never was hear'd-of before in Parliament."

broke was never a man of strong religious convictions but his general alignment with the peace party and the anti-Vane wing of the Lords makes us suspect that in 1644 he was reckoned more nearly a Presbyterian than anything else.<sup>25</sup> Meyrick was avowedly a Presbyterian and Holles had been the most active Presbyterian in the Commons.<sup>26</sup> While the Presbyterian party was weakened, the Independents were strengthened not a little. Oliver Cromwell, Robert Wallop, and Samuel Browne, all of them Independents, were put on Vane's list. Cromwell, it is true, would be in the field most of the time and hence unable to take part in the deliberations of the committee. But the other two, although neither of them was prominent in Parliament, were to be very regular members of the new committee.<sup>27</sup>

The growing power of the Independent party in the new com-

<sup>25</sup> Clement Walker (*History of Independency*, 1648, p. 46) speaks of Pembroke as one "whose easie disposition made him sit for all companies". See also Clarendon, VI. 399; VIII. 245. His friendship with Essex (*ibid.*, VIII. 243) makes it probable that he leaned towards the Presbyterian party. See also *ibid.*, X. 123. It is to be observed also that he stuck to the Presbyterian group who remained in the Upper House on July 30, 1647 (*L. J.*, IX. 358). Moreover he was one of the Committee of Safety appointed by the Presbyterian party and as such was attacked by the Independents. (Clement Walker, pp. 52, 58.)

<sup>26</sup> A Presbyterian name almost equally important with that of Holles was that of Clotworthy. It does not appear—so far as the evidence at hand goes—that he was ever on the Committee of Safety either at its origin or later. Baillie, speaking of the establishment of the Committee of Both Kingdoms (II. 141), tells us he was "put off it" along with Holles. It is possible that he had been a member of the Committee of Safety and was dropped. It is more likely, however, that Baillie means merely that he was slated for the new committee and upon deliberation was left off. As one of the prominent men in the Commons and a Presbyterian closely associated with Holles and Stapleton he would naturally have been considered for such a place, and the fact that he was not included fits in with the actual exclusion of Holles and Meyrick.

<sup>27</sup> This comparison, however, of the new committee with the original Committee of Safety is perhaps not altogether fair, because that first committee had been so largely increased during its nineteen months of life. The Earl of Salisbury, who was a close friend of Pembroke's and whose sympathies and associations in 1644 would not have laid him open to the suspicion of Independency, had been added to the Committee of Safety, but his name was not to be found in the new group. The same was true of the Earl of Lincoln, who throughout the course of the Long Parliament stood steadfastly by the Presbyterian party. On the other hand it must be observed that Manchester, a recognized Presbyterian, had been put upon the Committee of Safety and was continued upon the body that replaced it. And the same may be said of John Lord Robartes, though his rôle was much less important than Manchester's. But it is to be noted too that Lord Wharton, a deeply-dyed Independent, had been added to the Committee of Safety and was retained in the Committee of Both Kingdoms. A better case could perhaps be made for the shift towards Independency if the lesser names among the added members of the Committee of Safety were examined. But this is not worth while. In the matter of these additional members, Presbyterian and Independent gains and losses are pretty well balanced.

mittee appears more clearly when an examination is made of the situation in the last days of the Committee of Safety. During the last six months of the Committee of Safety that impetus had been given to the Independents which rendered them leaders in establishing and directing the new executive body. Three of that party came to the fore so rapidly and worked together so effectively that they may well be called the Independent triumvirate. St. John had been added to the Committee of Safety in August, 1643, and was to be retained in the committee that succeeded it. Lord Saye and Sele had been an original member of the first body and had always been a figure in the councils of the Long Parliament, but he was now beginning to take a leading part. Pym's death had removed a leader, averse to Independency, and left a gap which, as has been seen, the younger Vane, whose influence had been on the ascendant, was seeking to fill. His name had been among the earlier names added to the committee.<sup>28</sup> The Independent party was on the way to become powerful before the ordinance for the Committee of Both Kingdoms was drawn up, and the personnel inserted in that measure was calculated to give it a permanent hold on affairs.<sup>29</sup>

This can be more easily seen from a review of the names in the new body. Of staunch Presbyterians there were only six on the committee, Essex, Manchester, Waller, Robartes, Stapleton, and Glyn.<sup>30</sup> Of those, five would be away in the army a large part of the time. Warwick was mildly Presbyterian in his sympathies; Crewe may be reckoned on the same side.<sup>31</sup> About Gerard and Sir William Armine it is very difficult to be sure. Armine perhaps leaned towards Independency, Gerard was perhaps a Presbyterian.<sup>32</sup> But the Independents could count Saye, Wharton, Haslerigg, St. John, Cromwell, the two Vanes, and Pierrepont, as men fixed in their persuasion while the Earl of Northumberland, Wallop, and Browne were inclining the same way. And of these eleven only two were likely to be much away from the committee on account of

<sup>28</sup> *C. J.*, II. 758.

<sup>29</sup> Sir Arthur Haslerigg, who was to be exceedingly influential when he was in London and whose Independency was never questioned, was added to the Committee of Safety in November, 1643. *C. J.*, III. 299.

<sup>30</sup> Manchester, Robartes, and Waller never appeared at the committee during the first three months of its sessions.

<sup>31</sup> Gardiner, IV. 253, note. See also Rushworth, VII. 1355.

<sup>32</sup> It may be suspected that later at any rate Armine was inclined towards the Independents. His election to the Council of State in 1648-1649 (*C. J.*, VI. 141) and in 1651 (*C. J.*, VI. 532) makes it probable that he inclined towards the Independents. As for Gerard, it is hard to determine his position from the evidence at hand, but his expulsion at Pride's Purge (Rushworth, VII. 1355) makes one suspect that he was a Presbyterian.

military service. Under these circumstances it was not probable that an aggressive Presbyterian policy would ever be pursued.

It must not be supposed that all Vane sought was to give the Presbyterians a better hand. He must in the choice of names have had two other very definite ends in view, ends which he would have been at less pains to conceal from the Scottish commissioners. Consistently opposed to negotiations for peace and distrustful of the leadership of the Lord General, he found in the choice of members for the committee an opportunity. The year 1643 had not been a fortunate one for the advocates of peace with the king. The overtures of Parliament had met with little favor at his hands. The peace party had no longer a constructive programme to offer. It had moreover been thoroughly discredited and silenced by the discovery of Waller's plot. Yet some of its members were not without hope of a future accommodation. The deaths of Pym and Hampden had meant the loss of two leaders who aimed day in and day out at vigorous prosecution of the war. There was a real danger that some political and military chance might throw power back into the hands of the peace party, and open to them the opportunity of trying negotiations again, negotiations which might lead to terms little short of disastrous. It was well to guard against such a possibility. And Vane did so. Pembroke, Salisbury, and Holland, all had urged peace. In the Lower House the voice of Holles had again and again been raised for accommodation. It is hardly open to doubt that Sir John Meyrick had been on the same side.<sup>33</sup> Their names were not found on the roll of the new committee, although all of them unless Holland might very fairly have been included. Of all the twenty-one English members not more than four<sup>34</sup> could be denominated as thoroughgoing friends of peace, Pierrepont, Crewe, Glyn, and Essex. And the first two of these were soon to prove themselves less thoroughgoing in their desire for reconciliation with their sovereign.<sup>35</sup> Of the four, two were men who by virtue of their official position could not well be omitted. Certainly the peace party would have had cause to complain.

The supposition that the strength of the peace party was consciously reduced in the new committee fits in perfectly with another theory, that Vane sought by his nominations to put into the new

<sup>33</sup> Lord Robartes's associations and later attitude would lead us to suspect that he was a member of the peace party but there is no evidence that he was influential in that party.

<sup>34</sup> Northumberland had been favorable to negotiations and was still to take a leading part in them, but his enthusiasm had cooled.

<sup>35</sup> Clarendon, VIII. 248.

body a group of men unfriendly to the Lord General. There had been a growing dissatisfaction with Essex throughout 1643. Pym, realizing how necessary it was to keep the support of Essex and his friends in the Upper House, had exerted himself to the utmost to smooth things over. But Pym's death had put things into the hands of leaders more restive, less anxious to conciliate the Upper House, and less fearful of the consequences in case they did not. As early as the last part of January, 1644, Baillie had noted a bitter conflict between Vane and St. John on the one hand and "Stapleton, Mr. Hollis and others, of the Generall's partie"<sup>36</sup> on the other side. It will later be seen that the friends of Essex believed that the committee was to prove a limitation of his power and fought it at every step. The debates that followed proved clearly that Vane understood quite as well as the friends of Essex what the effect would be on the Lord General. It is incredible that his distrust of Essex and his desire to curb him should not have affected his selection of names for the new committee. This would account quite as well as his opposition to peace and to Presbyterianism for the omission of Holles, Pembroke, and Salisbury from the new committee.<sup>37</sup>

It is really not a matter of importance whether Sir Harry was influenced by his opposition to the peace party or by his distrust of Essex or by his desire to overreach the Presbyterians. The point is that the friends of the peace policy were in general the friends of Essex, and that they were also Presbyterians. Whatever Vane's chief end may have been, the result of his manipulation was three-fold. The Committee of Both Kingdoms would oppose efforts for accommodation, it would watch Essex carefully, and in good time it would prove a stumbling block to the Presbyterians and a support to the Independents.

It was not to be expected that the Scottish commissioners in those hurried consultations should realize all these purposes, if purposes they were. It was indeed important that they should not. But with one of his aims Vane would find the Scots thoroughly sympathetic. It is clear enough from Baillie's letters that the Scots were already distrustful of Essex.<sup>38</sup> It may be readily conjectured that Vane when in Edinburgh did not strive to alleviate that distrust. It is an equally probable guess that when the Scottish commissioners reached London, they were so eager to check the Lord

<sup>36</sup> *Baillie*, II. 136.

<sup>37</sup> Stapleton was not left off, but to have omitted all of Essex's friends would have been too obvious. Furthermore Stapleton had been generally opposed to the peace party.

<sup>38</sup> *Baillie*, II. 81, 118-119.

General that when Vane suggested possible members of the new committee who would be likely to oppose Essex, they would readily fall in with his nominations. These conjectures are confirmed by the speed with which the matter was arranged. It has been already observed that the ordinance was drawn up and the names inserted within two days.

The measure was then brought before the Lords. Responsible as Sir Harry had been for its inception and for its shape, he was shrewd enough not to father it in Parliament. It was wise to arrange not only that a scheme which was to throw so much power into the hands of his friends should seem to emanate from others, but that it should be introduced first into the Upper House. Which of the peers was the actual mover is a matter of doubt. Gardiner inclines to assign that rôle to Lord Saye and Sele but this opinion is hardly well supported.<sup>39</sup> It cannot be doubted, however, that he looked after the bill in the Lords. Whoever was responsible for the introduction of the measure into the Lords, it was rushed through in such a manner as to leave no doubt that it had able and adroit supporters. In some way the measure was so managed as to be proposed and voted upon without much consideration.

On the first of February the bill, apparently in exactly the form in which it had been drafted, was passed through the Lords and sent down to the Commons. The measure referred to the covenant and treaty between the two countries, declared that nothing could be more advantageous to the purpose of the treaty than that the affairs of both kingdoms should be managed by the joint advice and consent of both nations, and named fourteen commoners and seven lords who were to advise and consult with the Scottish commissioners, and who were officially given power together with them "to order and direct whatsoever doth or may concern the managing of the war, keeping good intelligence between the forces of the three king-

<sup>39</sup> Gardiner based his opinion upon a statement in the *Mercurius Aulicus* (for the week ending February 17). *Aulicus* says that some of the opposition "voted the Lords should discover who were the first authors of this new Committee; which upon exact scrutiny in the Lords House appeared to be the (late) Lord Say and in the lower House Master John" [St. John]. Now *Aulicus* is clearly referring here to the chief supporter of the measure and not the mover. St. John was undoubtedly a "first author" of the measure in the Commons, but we know from D'Ewes that Crewe was the mover in that House. It is quite possible that while Saye fathered the bill in the Lords, he caused some one else to move it. There is a mysterious statement in Baillie about this matter. *Baillie*, II. 141. The phrase there, "my Lord Say, upon new occurrences, being somewhat of the generall" is a bit cryptic, but it seems best to interpret it as meaning that Saye was the leader in pushing the measure through the Upper House. If this be right, Baillie confirms *Aulicus*.

doms, and whatsoever may concern the peace of his Majesty's dominions, and all other things in the pursuance of the ends expressed in the said Covenant and Treaty". It will be seen that the ordinance was exceedingly general and left open to the committee great possibilities. The clause "whatsoever may concern the peace of his Majesty's dominions" was a loophole large enough to suit the ambitions of a group far more aggressive than the committee with all its manifold activities was ever to prove. But stranger even than this was the omission of a time limit. The measure looked towards a long future.

The bill was taken up in the Commons on the third of February, two days after its reception from the Lords, and furnished an afternoon's warm debate. So far as can be gathered from a very little evidence the Commons felt it a breach of privilege that the members of their House who were to serve on the committee were to be named by the Lords. But this was by no means the only ground of criticism. It was suggested that some of those named were very young for such responsible places.<sup>40</sup> Whitelocke treated the subject historically and compared the plan with the Provisions of Oxford in the time of Henry III. and with the plan in the reign of Richard II. to turn over the power of Parliament to a small body, neither of which conferred power so unlimited as this ordinance.<sup>41</sup> Reynolds made the same objection,<sup>42</sup> and in a second speech pointed out that most of the members of the proposed body held positions in the army and would be able to continue the war so long as they wished to fatten their purses.<sup>43</sup> This brought Vane out from cover with a demand that Reynolds should be "questioned" by the Commons, but he was voted down.<sup>44</sup> It was evident not only that the opposition to the measure was strong but that the body of the House was infected with suspicion of it. A substitute measure whereby the Commons named their own members and the Lords likewise was discussed but was finally laid aside.<sup>45</sup>

Things were going very badly for Vane's plans, but he was quick to try another tack. A committee was appointed who were to join with a committee of the Lords to receive from the Scottish commis-

<sup>40</sup> This account is based on D'Ewes's and Whitacre's diaries for February 3. D'Ewes's is Brit. Mus., Harl. MSS. 166, and February 3 is f. 7; Whitacre is Add. MSS. 31,116, and February 3 is f. 113.

<sup>41</sup> Whitacre, February 3, f. 113.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.* Also *Merc. Aulicus* for the week ending February 10, 1644.

<sup>44</sup> *Ibid.*

<sup>45</sup> Whitacre, February 3.

sioners "what they have to communicate".<sup>46</sup> In this way perhaps the Commons could be brought to see their duty. The commissioners from the north presented their credentials and asked that "some of both Houses might be appointed to advise with them".<sup>47</sup>

It was no doubt in answer to this request that the Commons appointed a new committee with John Crewe as chairman.<sup>48</sup> The committee acted with great promptness. On the seventh of February they were able to make report. The report indicates clearly that Vane and St. John had been quite as active on the new bill as on the Lords' ordinance which the Commons had rejected. The Committee of Both Kingdoms was to consist of exactly the same fourteen commoners and seven lords. The difference was this, that now the Commons were suggesting the names from both Houses where the upper body had named the members before. It is not in the least surprising that the list—already rejected—should in this new form have aroused criticism. There was a strong demand in the Lower House that the names of the commoners should be filled in by the Commons in session, after the measure had been sent to the Lords and the seven peers had been chosen there.<sup>49</sup> The matter was put to a vote and the committee's form of the ordinance with the names of the commoners all lumped together as in the original ordinance sent down from the Upper House, was passed by a majority of sixty-five to fifty-one.<sup>50</sup> This was followed by a resolution that the Commons should name the members of the Upper House who were to be put upon the committee, after which a resolution nominating the seven peers formerly named was passed.<sup>51</sup>

The Commons' form of the ordinance was much more carefully drawn than the form presented to the Lords. Vane and St. John had learned wisdom from the severe running fire of their opponents in the House and the new edition of their measure was framed and carefully worded to meet all the serious objections without sacrificing the end to be gained. The committee in its negotiations with the Scots was only to propound what it might receive in charge from

<sup>46</sup> *C. J.*, III. 387. This committee was made up of Stapleton, Holles, St. John, Sir Walter Erle, Pierrepont, Sir Arthur Haselrigg, the two Vanes, Whitelocke, Glyn, Reynolds, and Sir Robert Harley. Reynolds was perhaps placed on this committee as a representative of the opposition in the hope that he might be influenced by the representations of the Scottish commissioners.

<sup>47</sup> D'Ewes's Diary, February 5, f. 8.

<sup>48</sup> *Ibid.*, February 7, f. 9. Crewe on the 30th had proposed a committee of two or three to join with the Scots.

<sup>49</sup> *Ibid.*

<sup>50</sup> *C. J.*, III. 391.

<sup>51</sup> After the list had been secured a *viva voce* vote was graciously allowed on each of the fourteen commoners. *C. J.*, III. 391; Whitacre, February 7.

both Houses and it was to report results to both Houses. It was to "advise, consult, order and direct, concerning the carrying on and managing of the War for the best Advantage . . . and likewise with Power to hold good Correspondency and Intelligence with foreign States: And further to advise and consult of all things in pursuance of the Ends expressed in the late Covenant and Treaty". There were provisions, however, that the committee should not treat of the cessation of arms without express directions<sup>52</sup> and that it was to observe such orders as it should receive from Parliament and that it was to continue for three months and no longer. All the twenty-one members were named in the bill.<sup>53</sup>

The measure after some discussion was passed and sent up to the Lords on the eighth.<sup>54</sup> It was to be expected that the Upper House would be in no hurry to take the Commons' bill after their own measure had been so summarily rejected. That there might, however, on that account be no delay the Scottish commissioners were brought again into action. They wrote to the Commons urging haste, who forwarded their letter to the Upper House. The Lords, however, were not easily hurried. A committee of six peers<sup>55</sup> went over the measure, recommended that more of the Upper House be added to the proposed body, and suggested six new members, four of whom were to be the four members of their own committee not already included in the proposed body.<sup>56</sup> The quorum they raised from six to nine. But the most telling change was the alteration of the words "order and direct" to "consult and advise". This was to draw the teeth of the measure. The Commons refused to yield a jot,<sup>57</sup> and in a conference urged the danger of delay. The Upper House now agreed to give up all the changes it had demanded except the alteration of the words "order and direct".<sup>58</sup>

And now the real animus behind all this strife began to be revealed. It cropped out clearly in a statement Mr. Prideaux made in a conference that if the committee were not appointed the war

<sup>52</sup> A provision that the "violent party" as well as the peace party were no doubt willing to have inserted. It was the one feature of the measure that seemed to John Vicars worth mentioning when he spoke of the measure in his *God's Arke Overtopping the Waves* (1646), p. 147.

<sup>53</sup> *C. J.*, III. 392.

<sup>54</sup> *Ibid.*, 393; *L. J.*, VI. 416.

<sup>55</sup> Of these only two, Northumberland and Manchester, were among those named in the ordinance.

<sup>56</sup> *I. e.*, Denbigh, Salisbury, Lincoln, and Pembroke. Lord Howard was also to be added. Thus five members of the former Committee of Safety were to be added to the Committee of Both Kingdoms.

<sup>57</sup> "We not liking the 6 Lords they had nominated." Whitacre, February 10.

<sup>58</sup> *C. J.*, III. 397-398.

would be carried on without the two Houses.<sup>59</sup> In other words the want of such a council was giving the Lord General, Essex, too great a power. It is hardly too much to say that by this time the lines were pretty clearly drawn between the friends of Essex and those who distrusted his leadership. His friends recognized that the new committee was directed against him and his opponents virtually admitted as much. There is some evidence indeed that the Lord General had been so far angered by the efforts to limit his power that he had threatened to resign.<sup>60</sup> It can easily be seen that most of the Lords would be out of sympathy with the effort to curtail his influence in the war, and it is clear that his following in the Commons was not inconsiderable. His friends urged and with some force that to put over him a committee was to bind his hands in such a way as to prevent the best results,<sup>61</sup> and that it would utterly discourage him.

These points were indicated rather clearly by the reply of the Lords to the Commons.<sup>62</sup> But Sir Harry was ready for them. He was willing for the moment at least to be conciliatory. If the Lord General, he declared, dissented from the views of the committee, it was in his power to send them the reasons for his refusal to obey them.<sup>63</sup> It may be doubted whether Vane was altogether sincere in this statement.<sup>64</sup> He would have been unwilling, it may be suspected, to have had his words inserted in a resolution. It was a cardinal point of his policy that the Lord General should be kept firmly under control. In his zeal to pass his measure he was probably guilty of saying more than he meant. He went on to move a special committee to prepare reasons why the Commons must stand by the words "order and direct". The committee was voted and retired for a few minutes when Vane, who must, says D'Ewes, have had the reasons all made out before, returned to the House<sup>65</sup> with

<sup>59</sup> *L. J.*, VI. 423; see also *C. J.*, III. 398.

<sup>60</sup> *Merc. Aulicus*, for the week ending February 17. Of course the evidence of the Oxford organ on a point of this sort must not be taken too seriously. It would, however, have been strictly in character for Essex. See *e. g.*, *L. J.*, VII. 300.

<sup>61</sup> D'Ewes, February 12, f. 11 (verso).

<sup>62</sup> Manchester and Northumberland, both of whom were named to be on the committee, seem to have supported Essex in this affair.

<sup>63</sup> D'Ewes, February 13.

<sup>64</sup> Baillie wrote (II. 141) that the opposers of the measure for the committee "did work on the facilitie of the Generall, deaving him with demonstrations of his limitation and degradation by this Committee".

<sup>65</sup> D'Ewes, February 13. In this document he emphasized the danger of delay if the Lord General should wait to consult with the Houses. It was assumed that the Lord General ought never to act independently.

the report and moved that the question be put. To this there was at once vigorous but useless opposition. Vane's friends, "knowing that they had the great number of Voices joyned with them", kept calling for the question<sup>66</sup> and easily carried the vote that the Lords should again be informed that the Commons could not accept their amendment. Vane, who had ceased to be reticent, was to head the conference with the Upper House.<sup>67</sup>

The Lords were now weakening. They decided to make a compromise with the Commons. On the recommendations of the Lord General himself, who reported from the committee in charge of the matter, they promised to agree with the Lower House on the words "order and direct" if the proposed committee were authorized to continue for six weeks<sup>68</sup> instead of for three months. But the Commons had not the slightest intention of coming half-way. By the Lords' scheme the ordinance would continue "untill the Lord Generall's army were recruited and . . . then the power of ordering and directing would be resumed to the Lord Generall alone".<sup>69</sup> The Commons stuck firmly to their own form of the ordinance and insisted that the Lords should pass their measure, urging the dissatisfaction of the Scottish commissioners at the delay. On the 16th of February the Upper House gave in<sup>70</sup> and passed the ordinance in the form demanded.<sup>71</sup>

<sup>66</sup> D'Ewes, February 13.

<sup>67</sup> The Commons offered in conference elaborate reasons why they could not accept the Lords' suggested alterations. *L. J.*, VI. 425-426. Briefly they took the position that the Lord General's power was not abridged, because the final power of ordering and directing the war belonged to the two Houses and it was this reserve power of the Houses that was now delegated to the committee.

<sup>68</sup> D'Ewes, February 14, f. 12; *A Perfect Diurnal*, February 12 to 19; *The True Reformer*, February 10 to 17.

<sup>69</sup> Whitacre, February 16, f. 116 (verso).

<sup>70</sup> Of the surrender D'Ewes remarks (February 13): "And soe in the issue of a few dayes after to the admiration of many men, the Lords receded from their own Unanswerable reasons and submitted to the house of Commons, and the Lord Generall did hereby receive much discontent and discouragement."

<sup>71</sup> The surrender of the Lords seemed more of a concession than it really turned out to be. Not until a fortnight later did it become known that two days before they finally yielded to the pressure of the Commons they had passed a resolution designed to minimize the importance of their concession. They had declared and put it upon their minutes that "notwithstanding any Order or Direction given by that Committee of Both Kingdoms, the Lord General might have power to dispense therewith if he saw cause and appeale to a further direction of both houses". Whitacre's Diary, March 1, f. 120. In the Journals (*L. J.*, VI. 426) the resolution read, "when the Lord General at any Time receives Directions from the Committee appointed by both Houses of Parliament . . . if he see Cause to the contrary, he may suspend the Execution thereof, until he have acquainted both houses of Parliament therewith". As a matter of fact this

The Lords had been forced to their knees. Essex was under the orders of a committee none too friendly to him, a committee that would push the war with vigor. The Independent clique at Westminster had made a start on their career of political victories. Most important of all, the complex affairs of a great war were to be administered by a central and efficient executive body. Space forbids telling the story of the three struggles that followed before the committee was finally and fully accepted. The oath of secrecy was rejected by the Lords in March, but passed in July. The effort on the part of the peers to refer the negotiations of peace with the king to a new committee was foiled and the Committee of Both Kingdoms was given charge of the negotiations. Finally, when the three months' time limit was expiring, the question of the renewal of the committee provoked a bitter war between the two Houses, a war in which the Lords were finally outwitted by a clever ruse on the part of Vane and St. John, and the committee was continued with increased power.

In all these struggles the alignment was pretty much the same. Vane could count on a narrow majority in the Commons and the Lords were forced in prolonged conferences to yield point after point. That spirit of compromise which we associate with English character was foreign to Sir Harry. He had his utmost will. The committee was put entirely in charge.

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resolution was never of any practical importance in any issue between the Lord General and the committee, but it revealed the real cause of the Lords' long hesitation and it served greatly to irritate the Commons and to bring on an *impasse* in March over the question of secrecy.